

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09CV137

KY TAN LE,)	
Plaintiff,)	
)	
vs.)	ORDER
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

THIS MATTER is before the court upon the Memorandum and Recommendation of United States Magistrate David C. Keesler, filed May 5, 2010. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule 72 of the Federal Rules of Civil Procedure, written objections to the Memorandum and Recommendation must be filed within 14 days after service of the same. No objections have been filed.

After an independent and thorough review of the magistrate's memorandum, the court concludes that there is no clear error on the face of the record and that the recommendation to deny without prejudice the Plaintiff's "Summary Judgment" and allow the Plaintiff an extension of time through June 25, 2010 to file a motion for summary judgment and memorandum of law in support and to allow Defendant to file a response or revised motion for summary judgment on or before July 26, 2010 is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are affirmed.

IT IS THEREFORE ORDERED that the Memorandum and Recommendation
of the magistrate is hereby AFFIRMED.

Signed: May 27, 2010



Graham C. Mullen
United States District Judge

